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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,674	02/18/2004	Yi-Fang Chou	0941-0918P	8543
2292 7590 04/16/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER NGUYEN, HANH N				
ART UNIT 2834		PAPER NUMBER		
NOTIFICATION DATE 04/16/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/779,674

**Applicant(s)**

CHOU ET AL.

**Examiner**

HANH N. NGUYEN

**Art Unit**

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed 2/19/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 9-13, 17, 18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-13, 17, 18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (JP 8-205450, previously cited).

With respect to claim 1, Watanabe teaches a fan housing (Fig. 1) mounted on a frame of a system, comprising: a main body (Fig. 4, #16) having; a first section of the main body and having a through hole (Fig. 4a, #25); a second section (as seen in Fig. 4a) disposed on the main body, wherein a recess having a specified size (Fig. 4a, #35) is located between the first and second sections; and a fixing portion (the radially innermost portion of the gap) formed in the recess; and a fastening structure passing through the first section via the through hole, partially disposed in the recess and having a part (Fig. 4a, #22) with a profile corresponding to that of the recess and having a size substantially identical to the specified size of the recess for precisely positioning the part in the recess (as seen in Fig. 4b) so that the part substantially fills the entire recess; wherein the second section prevents one end of the fastening structure from being exposed.

With respect to claim 2, Watanabe teaches the assembly of claim 1 wherein the fixing portion prevents the fastening structure from rotation and limits the position of the fastening structure.

With respect to claim 3, Watanabe teaches the assembly of claims 2, wherein the fastening structure includes a screw and the part is a nut disposed in the gap and having the profile substantially identical to that of the gap, the nut is aligned with the through hole by the fixing portion, the screw passes through the through hole and engages with the nut, and the first and second sections prevent the nut from moving along an axial direction of the screw.

With respect to claim 6, Watanabe teaches the assembly of claim 1, wherein the main body is rectangular (as seen in Fig. 1), and the first and second sections, the fixing portion and the fastening structure are disposed at corners of the main body (as seen in Figs. 1 & 4).

With respect to claim 9, Watanabe teaches the assembly of claim 1, wherein the main body, the first and second sections and the fixing portion are a monolithic piece. The limitation of the monolithic piece (Fig. 4a) being formed by injection molding is a method limitation given no patentable weight in an apparatus claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art

are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (JP 8-205450, previously cited) in view of Emberson (US 4099274). Watanabe teaches the assembly of claims 3 & 14, but it does not explicitly teach the second section having a recess aligned with the through hole of the first section, the screw being further accommodated by the recess. However, Emberson teaches a nut retaining fastening system (Fig. 2) comprising first and second sections having a gap therebetween, wherein said second section includes a recess (Fig. 4, #84) aligned with the through hole (Fig. 2, #64) of the first section, a screw being further accommodated by the recess. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second section of Watanabe in view of the recess as taught by Emberson because it provides an equivalent and equally well known means for retaining a nut for a fastening means that has the added benefit of providing a screw receiving aperture (Emberson, Col. 5, lines 19-42).
3. Claims 7, 12, 13, 17, 18, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. in view of Medard (US 4,936,726).

With respect to claims 12, 23 and 24 Watanabe et al. disclose all limitations of the claimed invention (please refer to the rejection of claim 1) except showing the fastening structure is a non-threaded fastening structure.

However, Medard discloses a fastening structure to fastening an assembly of sheet metal wherein the fastening structure is a non-threaded fastening structure (Fig. 2b) for the purpose of increasing life of fastening structure (Col. 2, lines 1-3).

Since Watanabe et al. and Medard are in the same field of endeavor, the purpose disclosed by Medard would have been recognized in the pertinent art of Watanabe et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Watanabe et al. by using a non-threaded fastening structure as taught by Medard for the purpose of increasing life of fastening structure.

With respect to claim 13, Watanabe teaches the assembly of claim 12 wherein the fixing portion prevents the fastening structure from rotation and limits the position of the fastening structure.

With respect to claim 17, Watanabe teaches the assembly of claim 12, wherein the main body is rectangular (as seen in Fig. 1), and the first and second sections, the fixing portion and the fastening structure are disposed at corners of the main body (as seen in Figs. 1 & 4).

With respect to claim 20, Watanabe teaches the assembly of claim 12, wherein the main body, the first and second sections and the fixing portion are an integral structure. The limitation of the integral structure (Fig. 4a) being formed by injection molding is a method limitation given no patentable weight in an apparatus claim.

With respect to claims 7 and 18, the structure disclosed by Watanabe et al., modified by Medard would have the part is a hook passing through the through hole and connected to the gap for mounting the fan housing on the frame in the system.

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (JP 8-205450, previously cited) in view of Chung (US 5997265).

With respect to claim 10, Watanabe teaches the system of claim 1, but it does not explicitly teach a base at a bottom of the main body, wherein a plurality of ribs or stator blades are disposed between the base and the main body for guiding an air flow. However, Cheng teaches a fan with a base (Fig. 1, #11) at a bottom of a main body, wherein a plurality of ribs (Fig. 1, #121) or stator blades are disposed between the base and the main body for guiding an air flow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fan of Watanabe in view of the base and ribs as taught by Chung because it provides an extremely well known means for attaching a fan motor to its main body for air flow (Chung, Col. 2, Lines 31-35).

With respect to claim 11, Watanabe in view of Chung teaches the system of claim 10, and Chung teaches that the ribs or stator blades have the same inclined angle (as seen in Fig. 1).

5. Claims 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (JP 8-205450, previously cited) in view Medard and further in view of Chung (US 5997265).

With respect to claim 21, Watanabe and Medard teach the system of claim 12 but it does not explicitly teach a base at a bottom of the main body, wherein a plurality of ribs or stator blades are disposed between the base and the main body for guiding an air flow. However, Chung teaches a fan with a base (Fig. 1, #11) at a bottom of a main body, wherein a plurality of ribs (Fig. 1, #121) or stator blades are disposed between the base and the main body for guiding an air flow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fan of Watanabe in view of the base and ribs as taught by Chung because it provides an extremely well known means for attaching a fan motor to its main body for air flow (Chung, Col. 2, Lines 31-35).

With respect to claim 22, Watanabe in view of Medard and Chung teaches the system of claim 21, and Chung teaches that the ribs or stator blades have the same inclined angle (as seen in Fig. 1).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.



Art Unit: 2834

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1000.

HNN

April 9, 2008

/Nguyen N Hanh/

Examiner, Art Unit 2834